



Wollondilly Heritage
Planning Proposal Stage 2
(Deferred Items) -
To amend Wollondilly Local
Environmental Plan 2011
For Public Exhibition
April 2025

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Document Register

Version	Date	Details	Prepared By	File Location
2	4 April 2025	Preparation of Planning Proposal for public exhibition, post Gateway determination	Lisa Howard	CM 15515#63
Current Version		2		

Executive Summary Table

Site address	Lot 92 DP 10336 (91 Hawthorne Road, Bargo); Lot 3 DP 9803 (60 Great Southern Road, Bargo); and Lot 51 DP 773133 (160 Dwyers Road, Pheasants Nest)
Existing Planning Controls	Wollondilly Local Environmental Plan 2011, Schedule 5 Environmental Heritage, Part 1 Heritage Items and the associated Heritage Map
Summary of recommendations:	<p>The removal (delisting) of three (3) existing heritage items from Schedule 5 and the Heritage Map, including:</p> <ul style="list-style-type: none"> • ‘Cottage’ – Item ‘I27’ – 91 Hawthorne Road, Bargo • ‘Farmhouse’ – Item ‘I126’ – 160 Dwyers Road, Pheasants Nest • ‘Kalinya Gardens and Landscape’ – Item ‘I19’ – 60 Great Southern Road, Bargo <p>A detailed list of these amendments is provided in Part 3.1 of this document.</p>
Technical Studies relevant to the planning proposal	<ul style="list-style-type: none"> • Detailed report on 168 Argyle Street • Findings of Wollondilly Heritage Assessment Inspections by Black Mountain Projects Pty Ltd, dated June 2024 relevant to the deferred items. • Wollondilly Shire-Wide Heritage Study Report (Version 3) by City Plan Heritage, dated 28 August 2023.
Applicant	Wollondilly Shire Council

Introduction

This Planning Proposal explains the intended effect of and the justification for amendments to the heritage listing in *Wollondilly Local Environmental Plan 2011* (Wollondilly LEP).

The Planning Proposal seeks to amend Schedule 5 of the Wollondilly LEP to remove three (3) existing heritage listings.

The Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the NSW Government, guidelines published by the Department of Planning and Environment's *Local Environmental Plan Making Guideline*.

Background

Wollondilly Heritage Planning Proposal (Stage 1) commenced on 29 January 2024 (date of Gateway Determination) and proposes updates to the heritage listing. This included reviewing existing listed items, heritage and landscape conservation areas and archaeological sites and to identify potential new heritage items for inclusion.

On 12 December 2023, Council considered a report and resolved to support the principle of the Stage 1 proposal progressing subject to amendments. Council also required additional analysis and further investigation of heritage merit for certain items.

Public exhibition of the revised Planning Proposal (Stage 1) was undertaken 27 February to 20 March 2024. Additional investigation was carried out, including heritage review inspections (site inspections), an independent peer review, and further research.

A report, which assessed the submissions made at the public exhibition and the further heritage investigations, was considered by Council on 25 March 2025. Council made some revisions and resolved that the Planning Proposal (Stage 1) could be finalised.

The Stage 2 Planning Proposal serves as the second stage of amendments aimed at removing existing heritage items that do not meet the threshold of heritage significance for local listing. Following detailed analysis, three (3) existing heritage items are proposed for removal.

In the Stage 2 proposal, three (3) additional sites were considered for removal; however, it was determined that two of these items had heritage significance and should be retained on the heritage list, the third had no significance and should not be added to the list. Further details are provided in the November 2024 report to Council in Appendix A.

The site

The Planning Proposal relates to the following three (3) lots:

A **Planning Proposal** is a document which explains the changes which are proposed to an environmental planning instrument, in this case the Wollondilly Local Environmental Plan 2011 (Wollondilly LEP).

This explanation is provided through text and images (usually plans).

The Wollondilly Local Environmental Plan 2011 is the key statutory document at a local government level which guides and controls the development of land within the Wollondilly Shire Council area.

- 91 Hawthorne Road, Bargo (Lot 92 DP 10336)
- 60 Great Southern Road, Bargo (Lot 3 DP 9803)
- 160 Dwyers Road, Pheasants Nest (Lot 51 DP 773133).

Structure of this document

This Planning Proposal has been prepared in accordance with the NSW Government's *Local Environmental Plan Making Guideline*.

The guide provides information on the process for preparing planning proposals. In particular, it sets out what matters should be included in a planning proposal to satisfy the requirements of the *Environmental Planning and Assessment Act 1979*.

This Planning Proposal has been structured in five parts as follows:

Part 1	A statement of the objectives and intended outcomes of the proposed instrument.
Part 2	An explanation of the provisions that are to be included in the proposed instrument.
Part 3	The justification for those objectives, outcomes and the process for their implementation
Part 4	Maps to identify the intent of the planning proposal and the area to which it applies
Part 5	Details of the community consultation that is to be undertaken on the planning proposal.
Part 6	Project timeline to detail the anticipated timeframe for the planning proposal.

The guide is available on the Department of Planning, Housing and Infrastructure's website.

Work on Planning Proposal to date

The following timeline summarises the key technical studies and milestones that have informed the planning proposal.

Table 1			
Date	Who	Purpose/Action	Copy provided at
2021-2023	City Plan Heritage Consultants	Preparation of the Wollondilly Shire-Wide Heritage Study	Appendix D
7 December 2023	Wollondilly Shire Local Planning Panel	To provide advice on the draft Wollondilly Heritage Planning Proposal	Appendix E
12 December 2023	Wollondilly Shire Council	<p>Council supported forwarding the Planning Proposal to DPHI for a Gateway Determination.</p> <p>Council resolved to defer any item proposed for delisting/removal to allow for additional analysis, which includes the three (3) items that form this draft Planning Proposal (the Planning Proposal to consider the deferred matters became known as the Stage 2 Planning Proposal)</p>	Minutes and Report provided at Appendix F
April-June 2024	Wollondilly Shire Council	<p>Additional analysis undertaken, including:</p> <ul style="list-style-type: none"> • Site inspection undertaken by Council officers with heritage expertise and an external heritage consultant • Review of historical resources (e.g. development approval history, property files, aerial photographs) • Independent peer review undertaken to assess the heritage significance of 168 Argyle Street, Picton – this was a proposed new heritage item included the draft Wollondilly Heritage Planning Proposal. It is noted that the peer review did not recommend 168 Argyle Street, Picton for heritage listing. 	-
26 November 2024	Wollondilly Shire Council	Council supported forwarding this planning proposal (Stage 2) to DPHI for a Gateway Determination.	Appendix A

Delegation

The Gateway Determination, issued to Council by the Department of Planning, Housing and Infrastructure on 17 March 2025, has granted Council delegation as the plan-making authority to make this amendment to the *Wollondilly Local Environmental Plan 2011*.

This means that Council can exercise the relevant functions under the *Environmental Planning and Assessment Act 1979* (Section 3.36(2)) to make the plan so long as:

- The planning proposal authority (Council) has satisfied all of the conditions of the Gateway determination
- The planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified, and
- There are no outstanding written objections from public authorities.

Part 1 – Objectives and Intended Outcomes

Objective:

To amend the Wollondilly LEP 2011 to update the Heritage Schedule of listed items to remove three items that are no longer considered to meet the NSW heritage assessment criteria for local heritage significance.

Intended Outcomes:

- Ensure that Wollondilly's heritage places are properly identified, documented and managed
- Implement the findings of the Wollondilly Heritage Project.

Part 2 – Explanation of Provisions

The Stage 2 Planning Proposal proposes the following:

- Remove the following three items from Schedule 5 Environmental Heritage, Part 1 Heritage Items

Item No.	Suburb	Item name	Address	Property Description	Significance
I19	Bargo	Kalinya gardens and landscape	60 Great Southern Road	Lot 3, DP 9803	Local
I27	Bargo	Cottage	91 Hawthorne Road	Lot 92, DP 10336	Local
I126	Pheasants Nest	Farmhouse	160 Dwyers Road	Lot 51, DP 773133	Local

- Amend the WLEP 2011 Heritage Map to remove the three items.

Part 3 – Justification of strategic and site-specific merit

Section A – Need for the Planning Proposal

A 3.1 Is the Planning Proposal a result of an endorsed Local Strategic Planning Statement, strategic study or report?

Yes, the Planning Proposal will implement an action from Wollondilly 2040 Local Strategic Planning Statement.

As part of its consideration of the Wollondilly Heritage Planning Proposal (Stage 1) in December 2023, Council resolved to defer six (6) items from the proposal. This was to allow for additional analysis of the merit of the proposed amendments.

The Stage 2 proposal for the deferred matters includes the removal of three (3) items proposed for removal (delisting) from Schedule 5 of the Wollondilly LEP. This is the foundation of this Planning Proposal.

The following matters from Council's decision are relevant to the deferred items:

- The deferred items are to be progressed separately.
- Staff are to further assess the site-specific merit of the proposed changes. Where relevant, independent advice, is to be sought.
- Identify a process for independent peer review where warranted.
- Affected landowners of all sites under consideration were to be given an opportunity to have an on-site visit by council staff to ground truth the proposed listing and consider any issues or concerns regarding the heritage merit of the proposed listing.

Following Council's decision of 12 December 2023, the steps below were established to further assess the merits of the deferred items.

Site visits

A site inspection was undertaken by Council officers with heritage expertise accompanied by Council's regular external heritage consultant. Property owners were also present.

These site visits took place in April and May 2024. At the inspection, the 'statement of significance' in the Inventory Sheet (which contains information on individual heritage listings) prepared by City Plan Heritage (CPH) for the Shire Wide Heritage Project was reviewed.

Owners were given an opportunity to explain their concerns and response to the heritage listing. It is noted that the owners of two items, Kalinya Gardens in Bargo and 160 Dwyers Avenue, Pheasants Nest, advised that their premises were not available at the time of inspection and had not requested an alternative date ahead of one being arranged. These two items are clearly visible from and were viewed from the public road.

For both of these items, other documentation including development application history, property searches and historic aerial photos were also used in the assessment.

Document search

In some instances, other resources were used to inform the additional analysis. This included reviewing development approval history, property files, and historic aerial photographs.

The additional work to further assess the deferred items was coordinated along with similar work for the Wollondilly Heritage Planning Proposal (Stage 1) and included procurement of a suitably qualified heritage consultant and liaising with multiple landowners to arrange site inspections with adequate forward notice.

It is also noted that the additional time and analysis has enabled a far more detailed assessment, including internal building inspections in some cases, of individual items than would be practicable as part of a shire wide heritage study.

Review Findings

The following table summarises the outcomes of the review of the deferred items which has informed this planning proposal:

Item name	Address	Recommendation following additional review	Reason for recommendation
'Cottage'	91 Hawthorne Road, Bargo	Remove from heritage list. Amendment to Wollondilly LEP to remove listing included as part of this Planning Proposal.	Incorrectly identified as one of the originally early buildings of Bargo. Instead, it was constructed in the 1930s and has a low level of intactness due to alterations over time.
'Kalinya Gardens and Landscape'	60 Great Southern Road, Bargo	Remove from heritage list.	Most buildings and landscaping on the property were built post 1970's. They were

Item name	Address	Recommendation following additional review	Reason for recommendation
		Amendment to Wollondilly LEP to remove listing included as part of this Planning Proposal.	incorrectly heritage listed and therefore should be delisted.
'Farmhouse'	160 Dwyers Road, Pheasants Nest	Remove from heritage list. Amendment to Wollondilly LEP to remove listing included as part of this Planning Proposal.	Building constructed after 1988, in a style that imitates a Federation cottage and has no heritage significance.

A 3.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Updating Schedule 5 of the Wollondilly LEP is the only way to remove an existing heritage listing that is not considered to satisfy the heritage significance criteria for listing.

It is considered that this is the best means of achieving the objective and intended outcomes.

Section B – Relationship to strategic planning framework

B 3.3 Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

Greater Sydney Region Plan and Western City District Plan (March 2018)

The Greater Cities Commission's *A Metropolis of Three Cities – the Greater Sydney Region Plan* and the *Western City District Plan* were finalised by the (then) Greater Sydney Commission in March 2018. These 20-year plans with a 40-year vision are a bridge between regional and local planning. They inform local environmental plans, community strategic plans and the assessment of Planning Proposals.

There are over 100 actions between these plans, many of which are relevant to Wollondilly. These plans are structured around strategies for:

- **Infrastructure and Collaboration;** supportive infrastructure, use of public resources such as open space and community facilities, working through collaboration.
- **Liveability;** social infrastructure, healthy communities, housing supply and affordability, great places,
- **Productivity;** the 30-minute city, land use and transport infrastructure, leveraging from the Western Sydney Airport and Badgerys Creek Aerotropolis, jobs.
- **Sustainability;** green spaces and landscape, tree canopy, using resources efficiently, managing rural areas, resiliency, bushland and biodiversity, waterways, green grid
- **Implementation;** local strategic planning statements, monitoring and reporting.

The planning proposal reflects the objectives and actions of the district plan as follows:

District Plan priority	Comment
Planning Priority W6 - Creating and renewing great places and local centres, and respecting the District's heritage	<p>The Planning Proposal is consistent with Action No.21 of the District Plan to <i>Identify, conserve and enhance environmental heritage by:</i></p> <p><i>a. engaging with the community early in the planning process to understand heritage values and how they contribute to the significance of the place.</i></p> <p>The planning proposal represents the second stage of amendments following a review of the current Schedule 5 heritage list and mapping.</p> <p>Extensive community consultation was undertaken as part of the first tranche of amendments – the Wollondilly Heritage Planning Proposal (Stage 1) – and owners were given an opportunity to explain their concerns and response to heritage listing as part of the review process undertaken to inform this Planning Proposal.</p> <p>The Planning Proposal is also consistent with this priority in a broader sense, as it aims to protect heritage by ensuring Council's heritage schedule is as accurate and up-to-date as possible.</p>

The [Greater Sydney Region Plan - A Metropolis of Three Cities](#) and the [Western City District Plan](#) are available on the NSW Government's website.

B 3.4 Is the Planning Proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Wollondilly 2040 Local Strategic Planning Statement was made and came into effect on 27 March 2020.

The LSPS outlines the land use planning vision for Wollondilly over the next 20 years and will guide the implementation of the District Plan at a local level. This vision is for a prosperous, sustainable and resilient future for Wollondilly residents, with an enviable lifestyle of historic villages, modern living, rural lands and bush settings.

Wollondilly 2040 identifies a number of actions under each of its 18 planning priorities. The planning proposal aligns with 'Planning Priority 7 - Cultivating a Creative and Cultural Destination Connecting People with Places' by progressing the following actions:

- 7.8 - Review our heritage schedule and identify new heritage items for protection.

[Wollondilly 2040¹](#) is available on Council's website.

¹ <https://www.wollondilly.nsw.gov.au/planning-and-development/guidelines-and-controls/local-strategic-planning-statement/>

B 3.5 Is the planning proposal consistent with any other applicable state and regional studies or strategies?

There are no other state or regional studies or strategies that are considered applicable to the Planning Proposal.

It is noted that the NSW Government is developing a heritage strategy to set a new direction for heritage in NSW. It is considered that maintaining an up to date heritage Schedule is consistent with the principle of any finalised heritage strategy.

B 3.6 Is the planning proposal consistent with applicable State Environmental Planning Policies?

The NSW Government publishes State Environmental Planning Policies (SEPPs) and Sydney Regional Environmental Plans (SREPs or deemed SEPPs). These documents deal with matters of state or regional planning significance.

An assessment of the planning proposal against each SEPP is provided at Appendix B. The Planning Proposal is deemed to be consistent with the relevant SEPPs.

B 3.7 Is the Planning Proposal consistent with applicable Ministerial Directions (s.9.1 Directions) or key government priority?

The Minister for Planning and Public Spaces issues Local Planning Directions that councils must follow when preparing a planning proposal. The Directions cover the following focus areas:

- Planning Systems
- Planning Systems – Place-based
- Design and Place
- Biodiversity and Conservation
- Resilience and Hazards
- Transport and Infrastructure
- Housing
- Industry and Employment
- Resources and Energy
- Primary Production

Direction 3.2 Heritage Conservation

This Direction is particularly relevant to the Planning Proposal. It is consistent with the objective of this direction, being *to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance*.

The Planning Proposal contains provisions to remove items that were previously listed in error or have lost their integrity, as identified in the Shire-Wide Heritage Study and additional analysis outlined in this document.

Having an up-to-date heritage list also fosters a broader understanding on what constitutes a heritage item for Wollondilly, thus ensuring effective protection of items that satisfy the heritage criteria.

It is noted that the Shire-Wide Heritage Study only considered European Heritage, therefore the Planning Proposal is not relevant to 1(b) or (c) of this Direction.

The Planning Proposal is considered to be consistent with this Direction.

An assessment of each of the proposed amendments consistency against all Ministerial Directions is provided at Appendix C.

There are no identified key government priorities that should be considered alongside the strategic planning framework for the Planning Proposal.

Section C – Environmental, social and economic impact

C 3.8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The proposal is unlikely to adversely affect critical habitat or threatened species.

C 3.9 Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

The proposal is unlikely to have any significant environmental impacts.

C 3.10 Has the planning proposal adequately addressed any social and economic effects?

There is the potential from economic effects, both positive and negative, for the owners of the three (3) items proposed for removal from the heritage list.

Positive effects may include increased flexibility and reduced maintenance costs. Negative effects may include a potential loss in tourism value and access to the conservation incentives clause in the Wollondilly LEP (Clause 5.10(10)). However, any economic effect as a result of this planning proposal is expected to be minor.

There are unlikely to be any social impacts as these items are not deemed to satisfy the social, cultural and spiritual criteria - criterion (d) – of the 7 criteria used to establish heritage significance.

Section D – Infrastructure (Local, State and Commonwealth)

D3.11. Is there adequate public infrastructure for the planning proposal?

There are no anticipated implications on infrastructure arising from the Planning Proposal.

Section E – State and Commonwealth Interests

E3.12 What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

As part of the Council's commitment to engaging with community and key stakeholders early in the planning proposal process, comments were sought from two government agencies as part of the original Wollondilly Heritage Planning Proposal (Stage 1).

The Department of Planning, Housing and Infrastructure and Heritage NSW have only raised procedural matters to date. Further consultation will be undertaken as required by any Gateway Determination issued by the Department.

Part 4 – Maps





Part 5 – Community Consultation

As part of Council's commitment to engaging with community and key stakeholders early in the planning proposal a preliminary consultation was undertaken in accordance with the Council's *Community Participation Plan* and adopted *Planning Proposal Policy*.

The report to Council on the Wollondilly Heritage Planning Proposal (Stage 1) on 12 December 2023 provided an overview of stakeholder engagement during the preparation of the heritage studies and how community and stakeholder engagement was encouraged as part of the preliminary notification for the planning proposal.

The preliminary notification of the shire-wide Wollondilly Heritage Planning Proposal (Stage 1) was undertaken from September to October 2023.

Of particular relevance to this Planning Proposal, one (1) submission was received from an affected landowner in response to the preliminary notification of the Wollondilly Heritage Planning Proposal. This included:

- Support for delisting the cottage at No. 91 Hawthorne Road, Bargo.
- Support for delisting of Kalinya Gardens and Landscape on the grounds that it is not historic and should not have been listed.

The submission was considered in the context of reviewing historical documentation in the additional analysis of deferred items.

Regular contact with each of the affected landowners has occurred as part of regular updates on the proposed amendments, the further assessment and through responding to queries. From these interactions it is noted that:

- The owners of the Kalinya Gardens item in Bargo do not object to the proposed delisting.
- There is frustration with the delay to delisting items from the original proposal.

A Gateway Determination was issued to Council by the Department of Planning, Housing and Infrastructure on 17 March 2025.

Formal public exhibition will now be undertaken in accordance with Council's Community Participation Plan and the requirements of the Gateway determination. The affected landowners will be notified of the public exhibition.

The public exhibition will seek further feedback on the Planning Proposal (Stage 2).

Part 6 – Project Timeline

Project detail	Timeframe	Timeline
Consideration of draft Planning Proposal by Council		26 Nov 2024
Commencement date (date of Gateway determination)		17 March 2025
There are no additional conditions from the Gateway determination	-	-
Commencement and completion of public exhibition period	1 month	End of April - May 2025
Consideration of submissions and post-exhibition review	2 month	July 2025
Timeframe for the consideration after the exhibition (including final Council decision)	2 months	September 2025
Date the plan will be made	2 months	November 2025
Date of notification		November 2025

Appendices

- A. Wollondilly Heritage Planning Proposal Stage 2 (Deferred Items) - Minutes and Report to Council 26 November 2024**
- B. Compliance with SEPPs**
Table summarising compliance with applicable State Environmental Planning Policies (SEPPs) and deemed SEPPs (formerly Regional Environmental Plans)
- C. Assessment against Section 9.1 Directions**
Table summarising compliance with applicable Section 9.1 Ministerial Directions issued under the *Environmental Planning and Assessment Act 1979*.
- D. *Wollondilly Shire-Wide Heritage Study Report***
Prepared by City Plan Heritage
(Version 3), dated 28 August 2023.
- E. Minutes from Wollondilly Shire Local Planning Panel Meeting – 7 December 2023**
- F. Wollondilly Heritage Planning Proposal - Minutes and Report to Council 12 December 2023**

Appendix A

Wollondilly Heritage Planning Proposal Stage 2 (Deferred Items) - Minutes and Report to Council 26 November 2024

Appendix B

Compliance with SEPPs

TABLE SUMMARISING CONSISTENCY WITH STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)

The table below assesses the planning proposal against relevant State Environmental Planning Polices (SEPPs).

STATE ENVIRONMENTAL PLANNING POLICIES				
Focus Area/SEPP	Includes former SEPPs ²	Applicable	Consistent	Assessment
Transport and Infrastructure <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	SEPP (Infrastructure) 2007 SEPP (Educational Establishments and Childcare Facilities) 2017 SEPP (Major Infrastructure Corridors) 2020 SEPP (Three Ports) 2013	No	N/A	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
Biodiversity and Conservation <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>	SEPP (Vegetation in Non-Rural Areas) 2017 SEPP (Koala Habitat Protection) 2020 SEPP (Koala Habitat Protection) 2021 Murray Regional Environmental Plan No 2 – Riverine Land SEPP No 19 – Bushland in Urban Areas SEPP No 50 – Canal Estate Development SEPP (Sydney Drinking Water Catchment) 2011 Sydney Regional Environmental Plan No 20 – Hawkesbury – Nepean River Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment Willandra Lakes Regional Environmental Plan No 1 – World Heritage Property	Yes	Yes	The sites are typically located within the Hawkesbury-Nepean Water Catchment.
Primary Production <i>State Environmental Planning Policy (Primary Production) 2021</i>	SEPP (Primary Production and Rural Development) 2019	No	N/A	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.

² In 2022 the NSW Government combined state environmental planning policies to reduce their number as part of the SEPP consolidation project. This formed part of the government’s suite of reforms to deliver a better planning system for NSW. 45 State Environmental Planning policies were consolidated into 11 theme-based focus areas to make the planning system more accessible and user-friendly.

STATE ENVIRONMENTAL PLANNING POLICIES				
Focus Area/SEPP	Includes former SEPPs ²	Applicable	Consistent	Assessment
	Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas)			
Resilience and Hazards <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>	SEPP (Coastal Management) 2018 SEPP 33 – Hazardous and Offensive Development SEPP 55 – Remediation of Land	No	N/A	Not applicable to this planning proposal as the consideration of remediation of land is now achieved by a Ministerial Direction.
Industry and Employment <i>State Environmental Planning Policy (Industry and Employment) 2021</i>	SEPP (Western Sydney Employment Area) 2009 SEPP 64 – Advertising and Signage	No	N/A	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
Resources and Energy <i>State Environmental Planning Policy (Resources and Energy) 2021</i>	SEPP (Mining, Petroleum Production and Extractive Industries) 2007 Sydney Regional Environmental Plan No. 9 – Extractive Industries	No	N/A	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
Planning Systems <i>State Environmental Planning Policy (Planning Systems) 2021</i>	SEPP (State and Regional Development) 2011 SEPP (Aboriginal Land) 2019 SEPP (Concurrences and Consents) 2018	No	N/A	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
Planning Systems <i>SEPP (Precincts – Western Parkland City) 2021</i>	Sites within the <i>State Environmental Planning Policy (State Significant Precincts) 2005</i> have been split across the 4 precincts. Sites within the <i>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</i> have been Split between the Central River City and Western Parkland City precincts	Yes	Yes	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
<i>SEPP (Precincts – Central River City) 2021</i>		No	N/A	Not applicable to Wollondilly.
<i>SEPP (Precincts – Eastern Harbour City) 2021</i>		No	N/A	Not applicable to Wollondilly.
<i>SEPP (Precincts – Regional) 2021</i>		No	N/A	Not applicable to Wollondilly.
Housing <i>State Environmental Planning Policy (Housing) 2021</i>	State Environmental Planning Policy (Affordable Rental Housing) 2009 State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004	No	N/A	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.

STATE ENVIRONMENTAL PLANNING POLICIES				
Focus Area/SEPP	Includes former SEPPs ²	Applicable	Consistent	Assessment
	State Environmental Planning Policy No 70 - Affordable Housing (Revised Schemes) State Environmental Planning Policy No 21 - Caravan Parks State Environmental Planning Policy No 36 - Manufactured Home Estates			
Exempt and Complying Development <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>	Not affected by SEPP consolidation project.	Yes	Yes	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
Sustainable Buildings <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i>	This SEPP was introduced after the SEPP consolidate project.	No	N/A	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.

Appendix C

Assessment against Section 9.1 Directions

TABLE SUMMARISING CONSISTENCY WITH MINISTERIAL DIRECTIONS

The table below assesses the planning proposal against Section 9.1(2) Ministerial Directions issued under the *Environmental Planning & Assessment Act 1979*. Latest version issued on 1 August 2024.

LOCAL PLANNING DIRECTIONS				
Item	Ministerial Direction	Applicable	Consistent	Assessment
FOCUS AREA 1: Planning Systems				
1.1	Implementation of Regional Plans	Yes	Yes	The planning proposal is considered to be consistent with the Western City District Plan (see earlier assessment – Section B 3.3), and is therefore consistent with this direction.
1.2	Development of Aboriginal Land Council Land	No	N/A	This Direction is not applicable to Wollondilly.
1.3	Approval and Referral Requirements	Yes	Yes	The planning proposal does not include provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority.
1.4	Site Specific Provisions	Yes	Yes	The planning proposal does not propose to introduce or alter an existing exclusion to clause 4.6 of a Standard Instrument LEP or an equivalent provision of any other environmental planning instrument.
1.4A	Exclusion of Development Standards from Variation	No	N/A	This Direction is not applicable to Wollondilly.
FOCUS AREA 1: Planning Systems – Place-based				

LOCAL PLANNING DIRECTIONS

Item	Ministerial Direction	Applicable	Consistent	Assessment
1.5	Parramatta Road Corridor Urban Transformation Strategy	No	N/A	This Direction is not applicable to the Wollondilly local government area. The land is not within the Paramatta Road Corridor.
1.6	Implementation of North West Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	N/A	This Direction is not applicable to the Wollondilly local government area. The land is not within the North West Priority Growth Area.
1.7	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	N/A	This Direction is not applicable to the Wollondilly local government area. The land is not within the Greater Parramatta Priority Growth Area.
1.8	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	N/A	The planning proposal does not include land within the Wilton Priority Growth Area.
1.9	Implementation of Glenfield to Macarthur Urban Renewal Corridor	No	N/A	This Direction is not applicable to the Wollondilly local government area. The land is not within the precincts between Glenfield and Macarthur.
1.10	Implementation of the Western Sydney Aerotropolis Plan	Yes	Yes	The planning proposal does not impact upon the intent of the Western Sydney Aerotropolis Plan, nor does it undermine the achievement of the objectives, planning principles and priorities for the Western Sydney Aerotropolis.

LOCAL PLANNING DIRECTIONS

Item	Ministerial Direction	Applicable	Consistent	Assessment
1.11	Implementation of Bayside West Precincts 2036 Plan	No	N/A	<p>This Direction is not applicable to the Wollondilly local government area.</p> <p>The land is not within the Bayside West Precincts in the Arncliffe, Banksia and Cooks Cove Bayside.</p>
1.12	Implementation of Planning Principles for the Cooks Cove Precinct	No	N/A	<p>This Direction is not applicable to the Wollondilly local government area.</p> <p>The land is not within the Cooks Cove Precinct.</p>
1.13	Implementation of St Leonards and Crows Nest 2036 Plan	No	N/A	<p>This Direction is not applicable to the Wollondilly local government area.</p> <p>The land is not within the <i>St Leonards and Crows Nest 2036 Plan</i>.</p>
1.14	Implementation of Greater Macarthur 2040	No	N/A	<p>The planning proposal does not include land within the Greater Macarthur Growth Area.</p>
1.15	Implementation of the Pyrmont Peninsula Place Strategy	No	N/A	<p>This Direction is not applicable to the Wollondilly local government area.</p> <p>The land is not subject to the <i>Pyrmont Peninsula Place Strategy</i>.</p>
1.16	North West Rail Link Corridor Strategy	No	N/A	<p>This Direction is not applicable to the Wollondilly local government area.</p>

LOCAL PLANNING DIRECTIONS

Item	Ministerial Direction	Applicable	Consistent	Assessment
				The land is not within the North West Rail Link Corridor, as identified in the NWRL Corridor Strategy and Structure Plans.
1.17	Implementation of the Bays West Place Strategy	No	N/A	<p>This Direction is not applicable to the Wollondilly local government area.</p> <p>The land is not within the mapped Bays West Place Strategy area.</p>
1.18	Implementation of the Macquarie Park Innovation Precinct	No	N/A	<p>This Direction is not applicable to the Wollondilly local government area.</p> <p>The land is not within the mapped Macquarie Park Corridor and the Macquarie Park Investigation Area.</p>
1.19	Implementation of the Westmead Place Strategy	No	N/A	<p>This Direction is not applicable to the Wollondilly local government area.</p> <p>The land is not within the Westmead Place Strategy mapped area.</p>
1.20	Implementation of the Camellia-Rosehill Place Strategy	No	N/A	<p>This Direction is not applicable to the Wollondilly local government area.</p> <p>The land is not within the mapped Camellia-Rosehill Place Strategy area.</p>
1.21	Implementation of South West Growth Area Structure Plan	No	N/A	<p>This Direction is not applicable to the Wollondilly local government area.</p>

LOCAL PLANNING DIRECTIONS

Item	Ministerial Direction	Applicable	Consistent	Assessment
				The land is not within the South West Growth Area.
1.22	Implementation of the Cherrybrook Station Place Strategy	No	N/A	<p>This Direction is not applicable to the Wollondilly local government area.</p> <p>The land is not within the mapped Cherrybrook Station Precinct Place Strategy area.</p>

FOCUS AREA 2: Design and Place

FOCUS AREA 3: Biodiversity and Conservation

3.1	Conservation Zones	No	N/A	This Direction is not applicable to the Planning Proposal.
3.2	Heritage Conservation	Yes	Yes	<p>The Planning Proposal is consistent with the objective of this direction - to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>Wollondilly Local Environmental Plan 2011 contains provisions to ensure that existing environmental and indigenous heritage items, areas, objects or places are conserved. The planning proposal intends to review these and only remove items from Schedule 5 that were previously listed in error or have lost their integrity and are no longer considered to meet the criteria for heritage listing. Having an up-to-date heritage list also fosters a broader understanding on what</p>

LOCAL PLANNING DIRECTIONS				
Item	Ministerial Direction	Applicable	Consistent	Assessment
				constitutes a heritage item for Wollondilly, thus ensuring effective protection of items that satisfy the heritage criteria.
3.3	Sydney Drinking Water Catchments	No	N/A	This Direction is not applicable as the land is not located in the Sydney drinking water catchment in the Wollondilly local government area.
3.4	Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPS	No	N/A	<p>This Direction is not applicable to the Wollondilly local government area.</p> <p>The <i>Northern Councils E Zone Review Final Recommendations</i> do not apply to the Wollondilly local government area.</p>
3.5	Recreation Vehicle Areas	No	N/A	This Direction is not applicable to the Planning Proposal.
3.6	Strategic Conservation Planning	No	N/A	This Direction is not applicable to the Planning Proposal.
3.7	Public Bushland	No	N/A	This Direction is not applicable to the Planning Proposal.
3.8	Willandra Lakes Region	No	N/A	<p>This Direction is not applicable to the Wollondilly local government area.</p> <p>The land is not identified as the Willandra Lakes World Heritage Property.</p>
3.9	Sydney Harbour Foreshores and Waterways Area	No	N/A	This Direction is not applicable to the Wollondilly local government area.

LOCAL PLANNING DIRECTIONS				
Item	Ministerial Direction	Applicable	Consistent	Assessment
				The land is not within the Foreshores and Waterways Area as defined in the <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> .
3.10	Water Catchment Protection	No	N/A	This Direction is not applicable to the Planning Proposal.
FOCUS AREA 4: Resilience and Hazards				
4.1	Flooding	No	N/A	This Direction is not applicable to the Planning Proposal.
4.2	Coastal Management	No	N/A	This Direction is not applicable as the land is not within the coastal zone, as defined under the <i>Coastal Management Act 2016</i> and identified by chapter 2 of the <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> . The land does not comprise coastal wetlands and littoral rainforests area, coastal vulnerability area, coastal environment area or coastal use area.
4.3	Planning for Bushfire Protection	No	N/A	This Direction is not applicable to the Planning Proposal.
4.4	Remediation of Contaminated Land	No	N/A	This Direction is not applicable to the Planning Proposal.
4.5	Acid Sulfate Soils	No	N/A	The land has not been identified on the acid Sulfate Soils Planning Maps held by the NSW Government.
4.6	Mine Subsidence and Unstable Land	No	N/A	This Direction is not applicable to the Planning Proposal.

LOCAL PLANNING DIRECTIONS				
Item	Ministerial Direction	Applicable	Consistent	Assessment
FOCUS AREA 5: Transport and Infrastructure				
5.1	Integrating Land Use and Transport	No	N/A	This Direction is not applicable to the Planning Proposal.
5.2	Reserving Land for Public Purposes	No	N/A	This Direction is not relevant to the planning proposal. The planning proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.
5.3	Development Near Regulated Airports and Defence Airfields	No	N/A	This Direction is not applicable as the land is not located near a regulated airport which includes a defence airfield.
5.4	Shooting Ranges	No	N/A	This Direction is not applicable to the planning proposal. The planning proposal will not affect, create, alter or remove a zone or a provision relating to land adjacent to and/or adjoining an existing shooting range.
5.5	High Pressure Dangerous Goods Pipelines	No	N/A	This Direction is not applicable to the planning proposal. The land is not within the application area of relevant pipelines.
FOCUS AREA 6: Housing				
6.1	Residential Zones	No	N/A	This Direction is not applicable to the Planning Proposal.
6.2	Caravan Parks and Manufactured Home Estates	No	N/A	This Direction is not relevant to the planning proposal. The planning proposal does not include provisions relating to caravan parks or manufactured home estates (MHEs).

LOCAL PLANNING DIRECTIONS				
Item	Ministerial Direction	Applicable	Consistent	Assessment
FOCUS AREA 7: Industry and Employment				
7.1	Employment Zones	No	N/A	The Direction is not relevant to the planning proposal as the proposal will not affect land within an existing or proposed Employment zone.
7.2	Reduction in non-hosted short-term rental accommodation period	No	N/A	This Direction is not applicable to the Wollondilly local government area. The Direction only applies to Byron Shire Council.
7.3	Commercial and Retail Development along the Pacific Highway, North Coast	No	N/A	This Direction is not applicable to the Wollondilly local government area. The Direction only applies to council areas on the North Coast that the Pacific Highway traverses.
FOCUS AREA 8: Resources and Energy				
8.1	Mining, Petroleum Production and Extractive Industries	No	N/A	This Direction is not applicable to the Planning Proposal.
FOCUS AREA 9: Primary Production				
9.1	Rural Zones	No	N/A	This Direction is not applicable to the Planning Proposal.
9.2	Rural Lands	No	N/A	This Direction is not applicable to the Planning Proposal.

LOCAL PLANNING DIRECTIONS

Item	Ministerial Direction	Applicable	Consistent	Assessment
9.3	Oyster Aquaculture	No	N/A	<p>This Direction is not applicable to the Wollondilly local government area.</p> <p>The land is not within a ‘Priority Oyster Aquaculture Area’ or oyster aquaculture outside such an area as identified in the <i>NSW Oyster Industry Sustainable Aquaculture Strategy (2006)</i>.</p>
9.4	Farmland of State and Regional Significance on the NSW Far North Coast	No	N/A	<p>This Direction is not applicable to the Wollondilly local government area.</p> <p>The Direction only applies to the Ballina Shire, Byron Shire, Kyogle Shire, Lismore City, Richmond Valley and Tweed Shire local government areas.</p>

Appendix D

Wollondilly Shire-Wide Heritage Study Report

Prepared by City Plan Heritage

(Version 3)

Dated 28 August 2023.

Council Reference: CM13167-1#360

Appendix E

Minutes from Wollondilly Shire Local Planning Panel Meeting - 7 December 2023

Appendix F

Minutes and Agenda from Wollondilly Shire Ordinary Meeting of Council - 12 December 2023